

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

EQUITYBUILD, INC., EQUITYBUILD
FINANCE, LLC, JEROME H. COHEN, and
SHAUN D. COHEN,

Defendants.

Civil Action No.: 18-CV-5587

Hon. John Z. Lee

Magistrate Judge Young B. Kim

MOTION OF VENTUS HOLDINGS, LLC TO INTERVENE

Ventus Holdings, LLC, ("Ventus") through its attorney, Michael B. Elman & Associates, Ltd., for its motion to intervene, filed pursuant to Fed. R. Civ. Pro 24(a), states as follows:

1. On June 11, 2020 the Receiver filed an eighth motion to confirm the sale of certain real estate (the "Motion"), identified as 6949-59 South Merrill, 7600-10 South Kingston and 7656-58 South Kingston.

2. Fed. R. Civ. Pro. 24(a)(2) states that "*on timely motion, the court must permit anyone to intervene who: claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.*"

3. The Motion the Receiver acknowledges that (i) Ventus' bids were accepted, (ii) due to the pandemic Ventus withdrew from the transactions and (iii) new bids were accepted at a loss to the Receivership Estate of \$1,845,300.00.

4. Significantly, the motion fails to state that Ventus has paid \$431,520.00 in earnest money and the disposition thereof remains at issue.

5. Ventus seeks to file an objection to the Motion, a copy of which is attached hereto as Exhibit A. The objection more fully memorializes Ventus' grounds for seeking intervention.

WHEREFORE, Ventus Holdings, LLC respectfully requests that the Court enter an order:

- A. Granting movant's request to intervene; and
- B. Granting movant leave to file its objection to the Motion, a copy of which is attached hereto as Exhibit A.

Dated: June 23, 2020

Respectfully submitted,

VENTUS HOLDINGS, LLC

/s/ Michael B. Elman

Michael B. Elman

Attorney for Ventus Holdings, LLC

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